

Message Text

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ORIGIN OES-06

INFO OCT-01 NEA-10 IO-13 ISO-00 L-03 ERDA-05 SS-15 H-02

SSO-00 FEA-01 ACDA-07 CIAE-00 INR-07 NSAE-00 NSC-05

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DRAFTED BY OES/NET/RD:JBDEVINE

APPROVED BY OES/NET/RD:MBKRATZER

NEA - MR. SOBER

NEA/EGY - MR. BEYER

L/OES - MR. BETTAUER

ERDA - MR. SLAWSON (SUBS)

ERDA - MR. BRUSH (SUBS)

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O R 122148Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY CAIRO IMMEDIATE

AMEMBASSY TEL AVIV IMMEDIATE

INFO USMISSION IAEA VIENNA

C O N F I D E N T I A L STATE 172048

E.O. 11652: GDS

TAGS:TECH, EG

SUBJECT: U.S.-EGYPTIAN NUCLEAR POWER AGREEMENT

REF: (A) CAIRO 9381 (B) STATE 165497 (C) CAIRO 9411

1. FOR CAIRO: IN RESPONSE TO EL GUEBEILY'S REQUEST
THAT WE PUT OUR ASSURANCES REGARDING ARTICLE XI (C) OF
SUBJECT AGREEMENT IN WRITING, WE WOULD PROPOSE TO INSERT THE
FOLLOWING AS A NEW CONCLUDING SENTENCE TO THE PRESENT NINTH
PARAGRAPH OF THE ACCOMPANYING NOTE (IMMEDIATELY AFTER THE
SENTENCE CONCLUDING WITH THE CLAUSE "AND HAS SUSPENDED
THE EXERCISE OF ITS RIGHTS.") BEGIN QUOTE: CONCERNING
THE IMPLEMENTATION OF PARAGRAPH B OF ARTICLE XII
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WITH RESPECT TO SAFEGUARDS APPLIED SOLELY BY VIRTUE OF

PARAGRAPH C OF ARTICLE XI, SHOULD THE APPLICABLE AGENCY SAFEGUARDS AGREEMENT BE TERMINATED, THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL CONSULT CLOSELY WITH THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT AND THE STATES WITH WHICH THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT HAS BILATERAL SAFEGUARDS ARRANGEMENTS WITH THE VIEW TOWARD AVOIDING NEEDLESS DUPLICATION IN THE IMPLEMENTATION OF THE BILATERAL SAFEGUARDS REGIMES THAT WOULD BE APPLICABLE WITH RESPECT TO THE REPLICATED FACILITIES INVOLVED. END

QUOTE. PLEASE ADVISE DEPARTMENT AND EMBASSY TEL AVIV ASAP IF THIS FORMULATION SATISFIES EGYPTIAN CONCERNS.

2. FOR TEL AVIV: IF THE EGYPTIANS ARE AGREEABLE TO INCORPORATION OF ABOVE ASSURANCE IN NOTE, WE WOULD WANT ISRAELI TEXT MODIFIED ACCORDINGLY IN KEEPING WITH OUR PREFERENCE TO HAVE BOTH TEXTS IDENTICAL. SUBJECT TO CONFIRMATION FROM EMBASSY CAIRO THAT THIS LANGUAGE IS ACCEPTABLE, REQUEST EMBASSY TRANSMIT NEW SENTENCE (SUBSTITUTING "GOVERNMENT OF ISRAEL" FOR "GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT" IN BOTH INSTANCES WHERE LATTER APPEARS) TO ISRAELIS AND SOLICIT THEIR AGREEMENT TO IT ON URGENT BASIS. IF NECESSARY, YOU MAY EMPHASIZE THE NON-CONTENTIOUS NATURE OF THIS ADDITIONAL SENTENCE AND NOTE THAT ISRAELI NEGOTIATING TEAM HAD BEEN TOLD IN WASHINGTON THAT FINAL DISCUSSIONS WITH EGYPTIANS MIGHT NECESSITATE LAST-MINUTE REVISIONS. DEPARTMENT WAS NOTIFIED BY ISRAELI EMBASSY ON JULY 12 THAT ISRAELI CABINET DID NOT CONSIDER AGREEMENT ON JULY 11 BUT IS EXPECTED TO DO SO ON JULY 18. THUS, NEW LANGUAGE COULD BE INSERTED BEFORE CABINET APPROVAL.

3. FOR ALL. BEGIN FYI. IN FUTURE DISCUSSIONS WITH EGYPTIANS AND ISRAELIS, EMBASSIES SHOULD BE GUIDED BY FYI PORTION OF PARA 3, REF B, NAMELY, THAT AGREEMENTS MUST STILL BE APPROVED BY THE PRESIDENT AND THAT NO REPEAT NO DECISION ON WHETHER TEXTS WILL BE SUBMITTED TO THIS SESSION OF CONGRESS HAS YET BEEN MADE. AT THIS JUNCTURE, OUR ASSURANCES ON THE QUESTION OF THE TIMING OF SUBMISSION MUST BE CONFINED TO THE FACT THAT CONCERNED

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EXECUTIVE BRANCH AGENCIES ARE DIRECTING THEIR EFFORTS TOWARD READYING THE AGREEMENTS FOR SUBMISSION TO THE CONGRESS BY OR SOON AFTER ITS JULY 19 RESUMPTION. YOU SHOULD AVOID ANY UNCONDITIONAL ASSURANCES THAT AGREEMENTS WILL BE SUBMITTED TO CONGRESS, AS WELL AS ANY STATEMENTS WHICH ATTRIBUTE REMAINING UNCERTAINTY RE SUCH SUBMISSION TO REQUIREMENT FOR PRESIDENTIAL APPROVAL. FORMULATION SUGGESTED PARA 3, REF B, REPEATED ABOVE, WAS DESIGNED TO AC-

COMPLISH BOTH THESE OBJECTIVES. END FYI.

4. REF C JUST RECEIVED. OUR VIEWS ON NEXT STEPS WILL
BE FORTHCOMING SHORTLY. KISSINGER

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